LEGISLATIVE BUSINESS

NON-OFFICIAL BILLS

The Cochin Agriculturists' Relief Act (Amendment) Bill, No. 2

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I beg to move that the *Cochin Agriculturists' Relief Act (Amendment) Bill, No. 2, be taken into consideration. The object of this Bill I have explained once before. But I will once again explain it just to refresh the memory of the Hon'ble Members. It is to delete sub-section (2) of section 4 of the Agriculturists' Relief Act. Under the powers given by this sub-section, Government have issued a notification on 27th Karkadagam 1114, exempting from the operation of Chapter III of this Act the Paliam Estate. Chapter III refers to *pattam* and *michavaram.* The only objection raised by Government regarding the inclusion of Paliam Estate under the Act was that there was a settlement in 1110 between the Paliam and the tenants. There was a conference at the Diwan's House when our esteemed Advocate-General led the deputation on behalf of the tenants. I was also present on that occasion as a tenant's representative. There was a settlement and certain instalment payments were allowed. I think, they were given one-third remission also. After three years the depression became more intense and many tenants became unable to give their dues according to the settlement.

Mr. President : Can you not proceed with the discussion after somebody seconds the motion ?

Mr. V. J. Mathai *(Planters):* I second it.

Mr. A. V. Moothedan *(Chalakkudi);* Many tenants who were regularly paying the instalments have defaulted. By the Government notification exempting the Paliam Estate from this Act, none of these tenants are benefited by the Act. My object is, first of all we must have no distinction between the Paliam tenants and other tenants. We don't want to have Devaswam tenants, V. T. K. Estate tenants, Paliam tenants, Cheranellur Kartha's tenants, etc. We must have one law for all these tenants. I don't want any distinction to be made between these tenants. The second reason is this. I am prepared to admit that the Paliam Estate is giving some concessions in suitable cases. But there is considerable indefiniteness. If you ask a tenant what is your arrears, today he has no idea at all. He does not know whether he will get the benefit of the 1110 settlement or whether he will get the concessions under the Act. Under the Agriculturists' Relief Act, certain things

* Appendix IV.

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are made definite. All arrears prior to 1107 are wiped off. According to the 1110 settlement, the Paliam Estate can take the arrears even from the days of Parasurama. Then the question is whether they have paid the current year's *pattam* or *michavaram*. Even if they have not paid the current dues, they will get some benefit under the Act. According to the High Court decision, only the bare instalments need be paid. No interest need be paid at all. So, even if they have not paid the current year's dues, they get some benefit. What I suggest, therefore, is that the Paliam Estate also should be brought under the operation of this Act. A possible objection is this. Some tenants will be getting more benefit under the 1110 settlement than under this Act. To that my answer is that those tenants will not be affected by this amendment, because they get special remissions on account of a contract between the estate and the tenants and by this Act that contract would not be abrogated. Therefore, those specially privileged individuals will be getting all the benefits under the 1110 settlement, and those unfortunate people who get no benefit under that settlement will be benefited by the Relief Act. I do not think it will seriously affect the Paliam Estate also. There will be more definiteness. All these unnecessary accounts they can write off.

Then there is one clause in the Bill which reads thus: "Add the following as clause (d) to section 31 (2).— '(d) For extending the period for payment under Chapter III, of the current year's *pattam* and *michavaram* or arrears of *pattam* and *michavaram*, payable by a tenant to an institution or estate under the direct control and management of the Government.'" This is only an enabling provision. Suppose the Government agree to exempt the estate, then the tenant will have to pay the current year's *pattam* at the due time. But if the Government so desire they can condone the delay. It is for this purpose that this section is incorporated in the Bill. It is not obligatory. If they are not going to exercise these powers, we have no complaint. We will be getting the benefits, which an ordinary tenant who has defaulted payment of the current year's *pattam* will be getting.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I oppose the motion. At a previous stage of this Bill, I, on behalf of Government, opposed the motion, but I failed to carry conviction to this House, and the motion was passed. I have no fresh arguments to advance. But one thing I cannot help saying with regard to a new point that has been raised by the Hon'ble Mover with regard to the great difficulty felt by the Paliam tenants to know their arrears. I understand that there will be no such difficulty, because registers are being prepared individual-war to show all the details with

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regard to each tenant. With regard to the Paliam Estate, one factor this House should bear in mind is that handsome remissions were granted to the Paliam tenants even before the Act was thought of. The argument which may be raised against this position is that, there may be several other *jenmis* who might have given remissions. But the case of the Paliam Estate stands entirely on a different footing. In 1110, a reduction of 33⅓ per cent was given to the tenants. As was rightly observed by my hon'ble friend, there may be some who may be benefited by the Amending Bill who have failed to pay even in spite of the concession granted. There is no hard and fast rule in the matter of further concessions even in respect of defaulters. As a matter of fact, the Paliath Valia Achen Avergal also is having a sort of consultation with the Manager, and I do not think there will be any detriment caused to the tenants by the exemption already granted to the estate by the Government. Even with regard to Devaswam tenants, I may bring to the notice of this House that even though the District Judge of Trichur held that Devaswams fall outside the purview of this enactment, I took orders and confessed judgment before the High Court that the Act is applicable to the Devaswams also. Government have not given any exemption to any such institutions. It is only in the case of Paliam that exemption has been granted and all consideration is shown to the tenants and large benefits have been conferred upon the tenants not only when it was under private management, but even after it came into the hands of Government.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* Are we to understand that the Government have actually given in effect the concessions given under the Agriculturists' Relief Act?

Mr. M. Sivarama Menon *(Advocate-General):* Yes. A time-limit was fixed and a remission of 33⅓ per cent of the arrears was given. That was even long before the Agriculturists' Relief Act came into force.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* After the Agriculturists' Relief Act came into force, have they given effect to the major provisions of the Act, that is, scaling down of arrears after 1107 and the complete wiping off of arrears before 1107?

Mr. M. Sivarama Menon *(Advocate-General):* Such cases are very rare, because all those who took advantage of the concessions granted in 1110 have never had any occasion to claim the benefits of the Act. But, even in spite of the concessions given, some did not care to pay.

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മിസ്റ്റർ കെ. അയ്യപ്പൻ : എക്സംപ്ഷൻ എടുത്തുകളഞ്ഞാൽ എന്തായിരിക്കും വിഷമം ?

Mr. M. Sivarama Menon *(Advocate-General):* The financial position of the estate has also to be taken into consideration, because large amounts of *pattam* and *michavaram* have already been written off by the Paliam Estate, and after these concessions were granted, again to grant the concession under this Act, will practically prejudice the financial position of the Paliam Estate. The Paliam is not an ordinary estate. The *pattam* of these properties is very low. The *verumpattam* itself has got a marketable value. Therefore, Paliam has to be treated on a different footing, and no Paliam tenant has been complaining even when the estate was under private management that there was any hardship. It will be practically misplacing mercy over mercy and that only for persons who never pay. Even in spite of these concessions, if it is a case of sheer inability to pay, the Government will consider each individual case on its merits. This is the only answer that I can give to this motion because, as a matter of fact, it is considered that in the interests of Paliam tenants without a compelling law which has always favoured the motion should be opposed.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Are the concessions already granted approximately equal to the concession given by this Act?

Mr. M. Sivarama Menon *(Advocate-General):* I have not made any calculation, but I am informed that the concessions were more.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* On a point of information, Sir. ഓരോ വ്യക്തികളുടേയും കുടുംബഭരണം ഗവമ്മെണ്ടു ഏറെറടുക്കുന്നതു് ബോംബെവിസ്തതിന്റെ പ്രാരംഭപടിയായിട്ടാണെന്നുള്ള വിചാരിക്കേണ്ടതു് ? അങ്ങിനെയാണെങ്കിൽ....

Mr. M. Sivarama Menon *(Advocate-General):* That question does not arise here.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ : എന്നാൽ മഹാരാജാവു് തിരുമനസ്സിലെ മറവപ്രജകളുടെ കുടുംബഭരണവും ഇതുപോലെ ഏറെറടുക്കുവാൻ ഗവമ്മേണ്ടു തയാറുണ്ടോ എന്നാണു് എനിക്കറിയേണ്ടതു. പാലിയം ഭരണം ഗവമ്മെണ്ടു ഏറെറടുത്തുകൊണ്ടല്ലെ ബില്ലിന്റെ പരിധിയിൽ പെടാതിരിക്കുന്നതു് ?

Mr. M. L. Joseph *(Latin Christians-Cranganur) :* May I know, Sir, whether they have received any petition from the Paliam Tenants' Association to the effect that it would be beneficial to them to include the Paliam Estate within the scope of this Act?

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Mr. M. Sivarama Menon *(Advocate-General):* I am not aware. But I can even grant that there will be such petitions, because such petitions will be put in by those persons who have failed to take advantage of the concessions granted in 1110. Really Government have already given them more concessions than the Act has afforded and there will be only a small minority who will be benefited by this amendment. Each individual case will be separately considered by Government with regard to the position in life and capacity to pay etc., of these tenants. In the light of these facts, I would respectfully ask this House whether it is up to this House to take away the small power of the Government to exercise their discretion in individual cases by passing this amendment?

മിസ്റ്റർ കെ. അയ്യപ്പൻ: സർ, ഗവമ്മെൻറഡ്വൊക്കറിന്റെ അഭിപ്രായത്തിൽനിന്നതന്നെ ഈ ബിൽ പാസ്സാക്കേണ്ടതാണെന്ന വരുന്നുണ്ട്. അദ്ദേഹംപറഞ്ഞതിൽനിന്ന പാലിയത്തെ ഗവമ്മെൻറ ഏറെറടുത്തിരുന്നില്ലെങ്കിൽ ഇതിൽ അതും ഉൾപ്പെട്ടമായിരുന്ന എന്നാണ് മനസ്സിലാകുന്നത്. അതുകൊണ്ട ഈ ബിൽപ്രകാരം ആ എക്സംപ്ഷൻ എടുത്തുകളഞ്ഞാൽ ഫിനാൻഷ്യലായിട്ട യാതൊരുപകടവും വരാനില്ല. ഗവമ്മെൻറചെയ്ത ആനുകൂല്യം ഈ പാലിയം കുടിയാന്മാക്കും കിട്ടുമെന്നെയുള്ള. ഗവമ്മെൻറിന്ന ഇതുകൊണ്ട യാതൊരു ഉപദ്രവവും വരുകയില്ല. ഒരു എക്സംപ്ഷനേയുള്ള എന്ന പറയുന്ന. ഒരു എക്സംപ്ഷൻ മതി. കുടയോളം വലിയ തളിക, തളികയോളം വലിയ തുള എന്ന പറഞ്ഞപോലെ ഇതയും വലിയ ഒരു ജന്മി ഈ രാജ്യത്ത വേറെയില്ല. അതുകൊണ്ട ഞാൻ ഈ ബില്ലിനെ പിന്താങ്ങുന്ന.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, according to the 1110 settlement, the tenants are liable to pay even debts which are time-barred if they wanted to get the concession. That is a point which the House has to consider seriously. The Hon'ble Law Member has been stating that the tenants would get more benefits by the concessions already granted than under the Act. If that is so, it would be more advantageous to the Paliam if this Bill is passed into law. More concession means more loss to the Estate. We want to lessen that loss to the Estate. I, therefore, move that the motion be passed.

Motion put and carried

Clauses 2 and 3 put and carried

Clause 1, Title and Preamble put and carried

The Cochin Tenancy Act (Amendment) Bill

Mr. T. P. Poulose *(Kanayannur):* Sir, I beg to introduce the Cochin Tenancy Act (Amendment) Bill. Having been laid up for

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